



May 15, 2015

KANSAS BULLETIN NO. KS 340-15-2

SUBJECT: SPA—Filing AD-1026 for Conservation Compliance due to Crop Insurance Policy

Action required by field offices: June 1, 2015

Purpose: To provide guidance on handling increased workload due to determinations for Highly Erodible Land (HEL) and Wetland Conservation (WC) compliance provisions

Expiration Date. September 30, 2016

Background

The 2014 Farm Bill relinked the federal crop insurance to conservation compliance. In order for producers to be eligible for the federal crop insurance premium subsidy, they must file Form AD-1026 to adhere with the HEL and WC provisions. The relinkage of crop insurance provides that:

- Producers who receive U.S. Department of Agriculture (USDA) benefits are subject to the consistent rules for compliance and
- Ensure a level of stewardship for sensitive cropland and wetlands in order to receive premium subsidies.

The rules for filing Form AD-1026 have not changed. Producers who are current participants in Farm Service Agency (FSA) and Natural Resources Conservation Service (NRCS) programs, who already have Form AD-1026 on file, *do not need to file a new form unless a change in operation or new activities have occurred on the operation that affect certification.*

All producers seeking eligibility for federal crop insurance must file Form AD-1026 by June 1, 2015. As a result, this has created an increased workload for NRCS in making HEL and WC determinations.

In order to assist with this workload, NRCS will use the following procedure:

1. When Form AD-1026 is received from FSA, stamp it with the date received according to National Food and Security Act Manual 510.12 (C).
2. Check to see if prior documentation exists and document on the newer 1026 and return to FSA.
3. If prior documentation does not exist, review the following to see if a field visit is necessary:

(more)

DIST: A, F, S

- If the producer has *no wetlands, no converted wetlands (for crop insurance—no converted wetlands after February 7, 2014), and no land considered to be highly erodible*, **no further action is necessary**.
 - Additionally, if the producer does not plant crops considered to be "agricultural commodities" (annually tilled crops or sugar cane) **no further action is necessary**.
 - If the producer is only seeking to be eligible for the federal crop insurance premium subsidy and only has wetlands that were converted **before Feb. 7, 2014**, **no further action is needed** with respect to these wetlands and conservation compliance.
 - If the producer has HEL fields, **the producer will be required to develop and follow** a conservation plan to produce any agricultural commodity on such lands. NRCS will work with the producer to develop a plan that meets compliance requirements and fits the agriculture operation.
 - If the producer has wetlands that were converted after February 7, 2014, the producer will have to take action to address the wetland conversion. Several options are available including restoring the wetland, mitigating the conversion, or, if the wetland is less than five acres in size, the producer can make a payment to NRCS that equals 150 percent of the cost of mitigation. (Note: this payment option for wetlands less than 5 acres is limited to those seeking compliance for crop insurance purposes.)
4. If you must go to the field to make a determination, you will have 60 days to make the determination.
 5. Use your Management Unit HEL team.
 6. Coordinate locally with your FSA office to manage the workload.

Contact: Forward questions through established channels to Xiomara Tryban, Assistant State Conservationist, at xiomara.tryban@ks.usda.gov or call (785) 823-4569.

(signed)

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State Conservationist